

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Black Rock Property Management	:	
	:	
v.	:	C-2024-3051853
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision denies Black Rock Property Management’s Formal Complaint against PPL Electric Utilities Corporation because it has not established that PPL Electric Utilities Corporation failed to properly provide bills to it or that there were incorrect charges on its bills.

HISTORY OF THE PROCEEDING

On October 18, 2024, Black Rock Property Management (Complainant or Black Rock) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant contends that there were incorrect charges on its bills. It indicates that Black Rock had received no bills or shut off notice for a number of years and then received a large bill of \$16,859.90.

On November 18, 2024,¹ Respondent filed an Answer denying the material allegations of the Complaint.

On December 24, 2024, an Interim Order was issued setting the matter for Resolution Conference with the Office of Administrative Law Judge's Mediation Unit. The parties were unable to resolve the matter.

By Initial Call-In Telephonic Hearing Notice dated March 13, 2025, an initial telephonic hearing was scheduled for May 6, 2025, at 10:00 a.m., and the matter was assigned to me.

On March 17, 2025, I issued a Prehearing Order which addressed procedural matters and hearing procedures.

The hearing proceeded as scheduled on May 6, 2025. Complainant was represented by counsel, John Lucas, Esquire and presented the testimony of Frank Ingrassia, Owner of Black Rock Property Management. Respondent appeared and was represented by Alice Wade, Esquire, who presented the testimony of Dana DeLong, a Senior Customer Service Representative. Respondent offered three exhibits, which were all entered into the record.

The record closed on June 2, 2025, when I received a copy of the transcript of the hearing.

¹ The Formal Complaint was served on the Respondent by the Secretary's Bureau on October 29, 2024.

FINDINGS OF FACT

1. Complainant in this case is Black Rock Property Management, with its business address at 1001 Industrial Road, Nesquehoning, Pennsylvania 18240. Tr. 8.
2. Frank Ingrassia is the Owner of Black Rock Property Management. Tr. 8.
3. Respondent is PPL Electric Utilities Corporation.
4. Black Rock Property Management is a property management company that manages a number of properties, including a residential property at 106 North Avenue, Jim Thorpe, Pennsylvania. Tr. 8.
5. Black Rock no longer manages the property at 106 North Avenue. Tr. 9.
6. The residential property at 106 North Avenue had a tenant. Tr. 10.
7. According to the lease agreement, the tenant was responsible for paying for electric utility service. Tr. 10.
8. The tenant was not paying for the electric utility service. Tr. 11.
9. On June 1, 2021, Black Rock enrolled in paperless billing for the PPL account for 106 North Avenue. Tr. 26; PPL Exh. 2.
10. The Complainant was enrolled by Stephanie Weiner, who is the Office Manager for Black Rock. Tr. 27-28; PPL Exh. 2.

11. When a customer is enrolled in paperless billing, the customer will receive an email at the email address that is registered at the time of enrollment which indicates that the bill is available for viewing online and provides a link to view and pay for the bill. Tr. 28.

12. The email will also show the amount due and the due date of the bill. Tr. 28.

13. The customer would have to establish an online profile for paperless billing which would include a password of their choosing. Tr. 46.

14. PPL does not retain a copy of the email because it is an automatic process in its computer system. Tr. 29.

15. Black Rock was unenrolled from paperless billing on May 31, 2024, at the request of Mr. Ingrassia. Tr. 30; PPL Exh. 4.

16. The account balance for 106 North Avenue is \$16,859.90. Tr. 26; PPL Exh. 1.

17. PPL has to follow certain procedures when an account is in an owner's name and there is a tenant at the residence in order to terminate service at the property. Tr. 41.

DISCUSSION

The Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

To establish a sufficient case and satisfy the burden of proof, Complainant must show that the respondent public utility is responsible or accountable for the problem described in the Complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990), *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). That is, by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). Additionally, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unempl. Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1960); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Upon the presentation by the Complainant of evidence sufficient to initially satisfy the burden of proof, the burden of going forward with the evidence to rebut the evidence of the Complainant shifts to the Respondent. If the evidence presented by the Respondent is of co-equal weight, the Complainant has not satisfied her burden of proof. The Complainant would be required to provide additional evidence to rebut the evidence of the Respondent. *Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Dispute of Outstanding Balance

The Complainant disputes the amount that they owe to PPL as the tenant was supposed to be responsible for payment of electric utilities for the property.

The burden of proof for “high bill” complaints has been explained in *Waldron v. Philadelphia Electric Co.*, 54 Pa.P.U.C. 98 (1980) (*Waldron*), and its progeny. In *Waldron*, the Commission adopted the Michigan Public Service Commission’s (PSC’s) policy announced in *Hallifax v. O & A Electric Co-Op*, Case No. U-5825, May 1979, which stated that, while the accuracy of the meter is an important factor in resolving billing disputes, it is not the sole criterion. The Commission stated that it will also consider the following factors: the billing history of the Complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron* at 100.

Consistent with the Commission's holding in *Bennett v. Peoples Natural Gas Co.*, Docket No. C-2009-2122979 (Opinion and Order entered Oct. 13, 2010) (*Bennet*), the *Waldron* Rule allows a Complainant to establish a *prima facie* case in a “high bill” complaint by showing that the disputed bill is abnormally high when compared to prior usage patterns and his or her pattern of usage has not changed or by providing other relevant evidence showing that the disputed bill is unreasonably high. In evaluating a “high bill” complaint, the Commission may consider such evidence as “the billing history of the account, any change in usage patterns (such as a change in the

number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding.” *Bennet*, at 6; *see also Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197 (Opinion and Order entered Nov. 15, 2011).

Mr. Ingrassia testified that Black Rock Property Management is a property management company that manages a number of properties, including a residential property at 106 North Avenue, Jim Thorpe, Pennsylvania. Tr. 8. Mr. Ingrassia indicated that the residential property at 106 North Avenue had a tenant. Tr. 10. Mr. Ingrassia testified that according to the lease agreement, the tenant was responsible for paying for electric utility service. Tr. 10. The tenant was not paying for the electric utility service. Tr. 11.

PPL presented the testimony of Ms. DeLong. She stated that on June 1, 2021, Black Rock enrolled in paperless billing for the PPL account for 106 North Avenue. Tr. 26; PPL Exh. 2. She also testified that the Complainant was enrolled by Stephanie Weiner, who is the Office Manager for Black Rock. Tr. 27-28; PPL Exh. 2. Ms. DeLong explained that when a customer is enrolled in paperless billing, the customer will receive an email at the email address that is registered at the time of enrollment which indicates that the bill is available for viewing online and provides a link to view and pay for the bill. Tr. 28. The email will also show the amount due and the due date of the bill. Tr. 28. The customer would have to establish an online profile for paperless billing which would include a password of their choosing. Tr. 46. PPL does not retain a copy of the email because it is an automatic process in its computer system. Tr. 29.

Under the Commission’s regulations, a public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules. Under that regulation, a public utility may utilize electronic billing in lieu of mailed paper bills, as long as the electronic billing option is voluntary and only with the

prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing. 52 Pa. Code § 56.11.

Ms. DeLong testified that Black Rock was unenrolled from paperless billing on May 31, 2024, at the request of Mr. Ingrassia. Tr. 30; PPL Exh. 4. The account balance for 106 North Avenue is \$16,859.90. Tr. 26; PPL Exh. 1.

While the Complainant disputes that it should not be responsible for the outstanding balance at 106 North Avenue, it should be noted that it was the customer of record for the account. Complainant disputes that it consented to paperless billing in this matter. However, the records show that the Office Manager for Black Rock signed up for paperless billing on June 1, 2021. *See* PPL Exh. 2. PPL is not allowed under the Commission's regulations to automatically place a customer on paperless billing unless there is consent from the customer. 52 Pa. Code § 56.11. There is nothing in the record to indicate that PPL violated the regulations when providing paperless billing to the Complainant.

The Complainant testified that it never received any termination notices during the time between June 2021 and when Mr. Ingrassia unenrolled from paperless billing in May 2024. Black Rock questioned why PPL did not terminate service when it was not receiving any payments. However, Ms. DeLong testified that PPL has to follow certain procedures when an account is in an owner's name and there is a tenant at the residence in order to terminate service at the property. Tr. 41. It does not appear that PPL initiated termination of service at 106 North Avenue between June 2021 and May 2024. *See* PPL Exh. 2.

Under the Public Utility Code Section 1523, before any termination of service to a landlord ratepayer for nonpayment of charges, a public utility shall:

- (1) Notify the landlord ratepayer of the proposed termination in writing. . . at least 37 days before the date of termination of service.
- (2) Notify the following agencies which serve the community in which the affected premises are located in writing not less than ten days before the proposed termination of service:
 - (i) The Department of Licenses and Inspections of any city of the first class.
 - (ii) The Department of Public Safety of any city of the second class, second class A or third class.
 - (iii) The city or county Public Health Department or, in the event that such a department does not exist, the Department of Health office responsible for that county.
- (3) Notify each dwelling unit reasonably likely to be occupied by an affected tenant of the proposed termination in writing as prescribed in section 1526 (relating to delivery and contents of first termination notice to tenants) at least seven days after notice to the landlord ratepayer pursuant to this section and at least 30 days before the termination of service. . .

66 Pa.C.S. § 1523.

There is nothing in the record to indicate that PPL started the process of terminating service to Black Rock at 106 North Avenue. Based on the records provided, it should be noted that PPL received communications from the tenant at the address between June 2021 and May 2024. The Public Utility Code indicates a procedure for terminating service for a landlord account when there is a tenant at a property, but the Code does not include when a public utility would be required to initiate termination. While the balance is large in this case, I am not convinced that PPL violated the Code or regulations. Therefore, the Complainant has not met its burden of demonstrating that it is not responsible for the bills for electric utility service at 106 North Avenue between June 2021 to May 2024.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. The burden of proof in this proceeding is upon the complainant. 66 Pa.C.S. § 332(a).

3. Any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence. *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa. Cmwlth. 1982); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993); 2 Pa.C.S. § 704.

4. The Commission stated that it will consider the following factors: the billing history of the complainant; any change in the number of occupants residing at the household; the potential for energy utilization; and any other relevant facts or circumstances that are brought to light during the complaint proceeding. *Waldron v. Phila. Elec. Co.*, 54 Pa.P.U.C. 98 (1980).

5. “[T]he Commission may consider such evidence as the billing history of the account, any change in usage patterns (such as a change in the number of occupants residing in the household or potential energy utilization), and any other relevant facts or circumstances that come to light during the proceeding.” *Thomas v. PECO Energy Co.*, Docket No. C-2010-2187197, at 5 (Opinion and Order entered Nov. 15, 2011).

6. Under the Commission's regulation, a public utility may utilize electronic billing in lieu of mailed paper bills, as long as the electronic billing option is voluntary and only with the prior consent of the customer. 52 Pa. Code § 56.11.

7. The Complainant failed to establish that PPL violated the Commission's regulations related to paperless billing. 66 Pa.C.S. § 332(a).

8. Before any termination of service to a landlord ratepayer for nonpayment of charges, a public utility shall:

(1) Notify the landlord ratepayer of the proposed termination in writing. . . at least 37 days before the date of termination of service.

(2) Notify the following agencies which serve the community in which the affected premises are located in writing not less than ten days before the proposed termination of service:

(i) The Department of Licenses and Inspections of any city of the first class.

(ii) The Department of Public Safety of any city of the second class, second class A or third class.

(iii) The city or county Public Health Department or, in the event that such a department does not exist, the Department of Health office responsible for that county.

(3) Notify each dwelling unit reasonably likely to be occupied by an affected tenant of the proposed termination in writing as prescribed in section 1526 (relating to delivery and contents of first termination notice to tenants) at least seven days after notice to the landlord ratepayer pursuant to this section and at least 30 days before the termination of service. . .

66 Pa.C.S. § 1523.

9. The Complainant did not establish that PPL violated the Public Utility Code, the Commission's regulations or Commission order with respect to its billing. 66 Pa.C.S. § 332(a).

